

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 24th DAY OF JANUARY, 2011 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins (arrived 6:35 p.m.)	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Brian Hamilton	-Economic Development Director
	Angie Hill	-Financial & Management Services Director
	Steve Sandy	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- | | | |
|------------------|-----|---|
| Section 2.2-3711 | (5) | Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community. |
| | | 1. Project # 2010-007 |
| | (1) | Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body |
| | | 1. Adjustment & Appeals Board |
| | | 2. Community Policy and Management Team (CPMT) |
| | | 3. NRV Planning District Commission |
| | | 4. Parks & Recreation Commission |

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
Gary D. Creed	None	Annette S. Perkins
William H. Brown		
Mary W. Biggs		
Doug Marrs		
John A. Muffo		
James D. Politis		

Supervisor Annette Perkins arrived at 6:36 p.m.

OUT OF CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
William H. Brown	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
James D. Politis	

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES
William H. Brown
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
Annette S. Perkins
James D. Politis

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATIONS

Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2010

John Aldridge with Brown Edwards & Company, L.L.P., presented the County's Comprehensive Annual Financial Report for FY ended June 30, 2010. Mr. Aldridge provided a summary of the audit findings and commended the County for meeting the standards each year.

Southwest Virginia Tourism

Representatives from the Crooked Road, Virginia's Heritage Music Trail; Round the Mountain; and the Southwest VA Cultural Heritage Commission presented information about their programs.

The objective of these programs is to develop a creative economy that capitalizes on the unique cultural heritage of Southwest Virginia. Southwest Virginia has become a nationally and internationally known destination for travelers and Southwest Virginia is now the third ranked tourism destination in Virginia. Three objectives of these programs are as follows:

1. Attract and develop high tech business and high-end entrepreneurs through our unique quality of life.
2. Promote Southwest Virginia as a superior place to live for relocates, retirees, and college educated returnees.
3. Attract visitors/tourists through our vibrant cultural heritage, stories, and natural assets.

Through the efforts of the Southwest Va Cultural Heritage Commission, Heartwood, a new facility was constructed in Abingdon, Va. to serve as a focal point and portal to the heritage tourism efforts. This facility will connect tourists to regional artisan studios, music venues, craft trails, outdoor recreation and more.

The Board of Supervisors was asked to support these programs' economic efforts to promote Southwest Virginia.

Montgomery County Courthouse Construction Update

Ron Riquelmy, Project Manager, provided an update on the progress for the new courthouse construction. Mr. Riquelmy reported that the notice to proceed date was October 14, 2009 with a final completion date of November 23, 2011. To date, the construction is 22 days behind schedule due to weather. They are scheduled to start the brick work this month and start the roof in March.

PUBLIC HEARINGS

Special Use Permit – William & Carolyn King

A request by William Mark King, II & Carolyn D. King for a special use permit on 7.217 acres in an Agricultural (A-1) zoning district to allow a contractor's storage yard. The property is located at 3070 Seven Mile Tree Road and is identified as Tax Parcel No. 104-1-12 (Acct # 023225) in the Riner Magisterial District (District D).

Steve Sandy, Planning Director, summarized the request. The applicant is requesting a Special Use Permit (SUP) on approximately 7.217 acres zoned Agriculture (A-1) to allow a Contractor's Storage Yard for an excavation business. This property is part of the Bethel Park Subdivision platted in 1980. The properties to the northwest and northeast, totaling approximately 48 acres, were rezoned in 2005 from Agricultural (A-1) to Rural Residential (RR) to create a single family subdivision containing approximately 13 lots (Childress property).

A contractor's storage yard is allowed within the Agriculture (A-1) Zoning District by SUP. Since an SUP was not obtained, the Zoning Administrator determined that the property owners were in violation of the zoning ordinance. The property owners brought the property into compliance with all county ordinances in a timely fashion and have applied for an SUP.

The proposed Contractor's Storage Yard will support the operation of an excavation business. The site will serve as a storage area for equipment such as vehicles, dump trucks, and excavation equipment when not in use; however this equipment is largely stored at jobsites. Extensive screening provided by existing mature evergreen trees contributes to decreased visibility from adjoining properties and Seven Mile Tree Road.

While commercial uses are generally discouraged in "Rural" areas, this type of commercial use generally serves a need in rural areas. Careful consideration should be given to the potential impact of these uses on surrounding areas. If approved, conditions on the proposed use should be considered to ensure that the use is compatible in scale and intensity to surrounding uses.

The applicant intends to utilize the existing entrance to the site from Seven Mile Tree Road (Rt. F-059) which is a state maintained, paved road. 2008 VDOT estimates has an AADT (annual average daily traffic count) of 250 vehicles. VDOT says since there is no change in traffic patterns, no entrance upgrades would be required unless additional changes were made to the site. Customers will not visit the site, and the business generates approximately four (4) trips per day.

The applicants reside on the property, and a small portion of the dwelling will serve as an office.

The applicants do not anticipate the business growing to more than four (4) additional outside employees in the future. There is currently one accessory building on site, which is approximately 70' x 35' and is used for personal use only. Two additional accessory structures for storage purposes, not to exceed 1200 sq. ft. and 18 ft. in height are proposed to be constructed. The average hours of operation are from 6:00 a.m. until 9:00 p.m. except for snow removal services.

The applicant submitted a petition containing 11 signatures from surrounding neighbors supporting their request for a Special Use Permit. One neighbor, Lillian Cupp, submitted a letter opposing the Kings request.

At their January 12, 2011 meeting, the Planning Commission reviewed the request and recommended approval of the Special Use Permit request with conditions. In discussion, the commissioners felt that the conditions provided by staff would be sufficient to mitigate any possible negative effects of the business in an area designated as rural in the comprehensive plan. Two (2) members of the commission abstained from voting because of concerns regarding the possible effects of the proposal on adjacent properties.

William King, applicant, commented that he did not realize he was in violation of the county code by storing farm and business equipment on his property. Mr. King stated he has an excavating business and hopes to be able to store equipment on the property. He has installed a fence and will provide a buffer to help screen his property from the adjoining neighbors (Ms. Cupp).

Supervisor Brown asked if fuel will be stored on the property. Mr. Kin replied that no fuel will be stored. All equipment will be fueled off site.

Candi Harris spoke on behalf of Lillian Cupp who was unable to attend this public hearing. Ms. Harris stated that she resides at 3054 Seven Mile Tree Road, property owned by Ms. Cupp. This property adjoins the King's property. Ms. Harris believes that having a business located directly behind their property would have a detrimental effect on the property value and would hinder any future sale of the property. She also fears that approval of this request will open the door for more business operations in the area.

There being no further speakers, the public hearing was closed.

Ordinance Amending Chapter 10, Entitled Zoning, Section 10-41 **An ordinance amending Chapter 10 entitled Zoning, Section 10-41 of the Code of the County of Montgomery, Virginia by allowing a temporary family health care structure** as defined by Section 15.2-2292.2 of the Code of Virginia as a permitted accessory structure on any property zoned for a single family detached dwelling owned or occupied by a caregiver as his or her residence.

Dari Jenkins, Zoning Administrator, summarized the proposed amendments to the Zoning Ordinance. Ms. Jenkins stated that recent revisions to the Code of Virginia, specifically *Section 15.2-2292.1, Zoning provisions for temporary family health care structures*, have required an amendment to Section 10-41(2A) of the County Code, to provide for the installation of "*temporary family health care structures*". Virginia Code requires these structures be allowed within any zoning district allowing single family detached dwellings and prohibits requiring a Special Use Permit for the use. Also only one occupant per temporary family health care structure is allowed by state legislation.

This amendment allows a caregiver the ability to provide a temporary facility for a mentally or physically impaired person. The structure is to be removed within thirty (30) days after the mentally or physically impaired person is no longer receiving or no longer in need of the assistance in which the structure was provided.

At their November 22, 2010 meeting, the Planning Commission recommended approval of the proposed ordinance amendments.

There being no speakers, the public hearing was closed.

Ordinance Amending Chapter 10, Entitled Zoning, Section 10-37

An ordinance amending Chapter 10 Entitled Zoning, Section 10-37 of the Code of the County of Montgomery, Virginia by amending the Flood Damage Prevention Overlay to modify the language of the ordinance as it relates to modification, alteration, repair, reconstruction or improvement of any kind to existing structures located in any floodplain areas to an extent or amount less than fifty (50) percent of its market value.

Dari Jenkins, Zoning Administrator, summarized the proposed amendments to the Zoning Ordinance. Ms. Jenkins stated as the zoning ordinance is currently written, anyone making an addition to a structure located in the floodplain to an amount of less than 50% of its market value would be allowed to construct the addition without being required to elevate the addition. This means that during a flood event, it is likely that the new addition will be flooded right along with the remainder of the house. The proposed amendment would keep all new construction in the floodplain at least one (1) ft. above the base flood elevation.

After review of information provided by the Floodplain Engineer, Dept. of Conservation & Recreation and our local Building Code Official, the Planning Commission concluded that although the elevation of additions to structures located within the floodplain is required by the building code, modification of the zoning ordinance will alert citizens to the elevation requirement for construction within the floodplain.

At their November 22, 2011 meeting, the Planning Commission recommended approval of the proposed amendment.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated January 24, 2011 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
Mary W. Biggs	None	Annette S. Perkins
Doug Marrs		
John A. Muffo		
Gary D. Creed		
William H. Brown		
James D. Politis		

**A-FY-11-58
CLERK OF CIRCUIT COURT
TECHNOLOGY TRUST FUNDS**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

251	Clerk of Circuit Court	\$5,635
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
02251-423100 Technology Trust Fund		\$5,635

Said resolution appropriates Technology Trust fund monies to cover information technology support

**A-FY-11-59
SHERIFF
RECOVERED COSTS**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

320	Sheriff County	\$12,006
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419108 Recovered Costs		\$12,006

Said resolution appropriates recovered costs to the Sheriff’s department.

A-FY-11-60
TREASURER
DMV STOP FEES/WARRANT IN DEBT FEES

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011 for the function and in the amount as follows:

162	Treasurer's Collections	\$6,578
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The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

411605	DMV Stop Fee	\$6,410
416010	Warrant-In-Debt Fees	<u>\$ 168</u>
	Total	\$6,578

Said resolution appropriates DMV Stop Fees and Warrant in Debt Fees collected to pay the associated fee to the DMV and Commonwealth of Virginia.

A-FY-11-61
APPROPRIATION OF INTEREST
ON 2000C BOND ACCOUNT

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

12	Government Center	\$297,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

415102	Interest on Investments	\$297,000
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Said resolution appropriates interest estimated on the 2000C bond account.

A-FY-11-62
APPROPRIATION AND TRANSFER OF
DEBT SERVICE RESERVE FUND
COUNTY CAPITAL PROJECTS -2000C BONDS
SCHOOL CAPITAL PROJECTS -2000B BONDS

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011 for the function and in the amount as follows:

451104	Transfer to Debt Service	\$554,543
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The source of the funds for the foregoing appropriation is as follows:

451205	Fund Balance Restricted for Debt Service by Bond Indenture	\$554,543
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BE IT FURTHER RESOLVED, That the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011 for the function and in the amount as follows:

451104 Transfer to Debt Service	\$787,639
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The source of the funds for the foregoing appropriation is as follows:

451205 Fund Balance Restricted for Debt Service by Bond Indenture	\$787,639
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BE IT FURTHER RESOLVED, That the Debt Service Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011 for the function and in the amount as follows:

18 Debt Service	\$1,342,182
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The sources of the funds for the foregoing appropriation are as follows:

451107 Transfer from County Capital Projects	\$554,543
451101 Transfer from School Capital Projects	<u>\$787,639</u>
Total	\$1,342,182

Said resolution uses the debt service reserves of the 2000B and 2000C bond issuances to make the final debt service payments for these issuances.

R-FY-11-68
CLEO REPRESENTATIVE ON THE
WORKFORCE INVESTMENT CONSORTIUM BOARD
AND ALTERNATE

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **William H. Brown** to the **New River/Mount Rogers Workforce Investment Consortium Board**, and reappoints **F. Craig Meadows** as his alternate effective January 6, 2011 and expiring January 5, 2012.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon t heir continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

NEW BUSINESS

R-FY-11-69
RESOLUTION APPROVING THE JOINT TOURISM AGREEMENT WITH
THE TOWNS OF BLACKSBURG AND CHRISTIANSBURG

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The County of Montgomery and the Towns of Blacksburg and Christiansburg desire to establish and administer a joint tourism program to serve Montgomery County and the Towns of Blacksburg and Christiansburg; and

WHEREAS, The County of Montgomery desires to enter into the Cooperative Agreement entitled "Organizational Cooperative Agreement between Montgomery County and the Towns of Blacksburg and Christiansburg for the Creation and Implementation of a Joint Tourism Program" (the "Joint Tourism Agreement") with the Towns of Blacksburg and Christiansburg; and

WHEREAS, The Board of Supervisors desires to authorize James D. Politis, Chair, to sign the Joint Tourism Agreement on behalf of the County of Montgomery, Virginia.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the County to be a party to the Joint Tourism Agreement with the Towns of Blacksburg and Christiansburg; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes James D. Politis, Chair, to execute the Joint Tourism Agreement on behalf of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
Doug Marrs	None	Annette S. Perkins
John A. Muffo		
Gary D. Creed		
William H. Brown		
Mary W. Biggs		
James D. Politis		

JOINT TOURISM AGREEMENT WITH THE TOWNS OF BLACKSBURG AND CHRISTIANSBURG

ORGANIZATIONAL COOPERATIVE AGREEMENT BETWEEN MONTGOMERY COUNTY AND THE TOWNS OF BLACKSBURG AND CHRISTIANSBURG FOR THE CREATION AND IMPLEMENTATION OF A JOINT TOURISM PROGRAM

This Cooperative Agreement ("Agreement") is between Montgomery County, Virginia (hereinafter known as "County"), and the Towns of Blacksburg, Virginia ("Blacksburg") and Christiansburg, Virginia ("Christiansburg") (hereinafter known as "Towns"), for the creation and administration of a jointly sponsored tourism program authorized under the provisions of Virginia Code §§ 15.2-940 and 15.2-1300.

JOINT TOURISM PROGRAM

Section 1. Purpose

The purpose of this Agreement is to establish and administer a tourism program that shall serve Montgomery County and the towns within it. It is intended to encompass all aspects of a comprehensive tourism program, including but not limited to staffing, funding, planning and executing of tourism related programs and activities, and the development and operations of a state certified local visitor information center.

Section 2. Oversight

- (a) The tourism program shall function as a joint tourism agency under the supervision of the participating local governments. A Director of Tourism shall serve as the head of the agency and be responsible for the day-to-day operations of the joint tourism program. The Director shall report to a three person Operating Board comprised of the County Administrator and the managers of each Town, or their designees. The Director of Tourism shall be an independent contractor, and shall not be an employee of the County or the Towns.

- (b) The Operating Board shall exercise direct oversight of staffing, budgeting, and general operations. In the event that the Operating Board cannot agree on a decision on an issue, the members shall certify the issue to the Chair of the Board of Supervisors and the Mayors of the Towns, who shall confer with the Operating Board to attempt to resolve any differences by agreement.

Section 3. Guiding Principles

- (a) Funding for tourism expenditures described in this Agreement shall be based on the amount of funding received from hotel occupancy taxes. More specifically, it is the intention of the parties that the funding source for the activities contemplated by this Cooperative Agreement shall be from the additional annual revenues generated by a one percent (1%) increase in the lodging tax enacted by each locality in 2006 (the "Additional Lodging Tax Revenues").
- (b) The Director of Tourism will prepare an annual work plan and budget for tourism expenditures, which shall be approved by the Operating Board by January 15th of each year. The budget will be presented to the respective governing bodies by February 1 of each year, and shall be approved by each governing body as a part of its annual budgeting process, subject to the process described in the following subsection.
- (c) Each year, during the annual budget process for the County and the Towns, each locality shall estimate the revenues that will be available for these services during the next fiscal year, and the governing bodies for each locality shall establish the amount of available funds (if any) in its adopted Operating Budget. This Agreement is dependent on each locality making a good faith effort to appropriate sufficient funding on an annual basis to continue the operations and programs of the program. However, it shall be not inconsistent with this Agreement for member localities to appropriate up to 15% of their respective Additional Lodging Tax Revenues for expenses associated with tourism-related activities in each jurisdiction that are not part of this Agreement.

- (d) The parties agree that the County shall be the fiscal agent for the tourism program, and in that capacity shall process all income and expenditures associated with the program. The Towns agree to pay County, in its capacity as fiscal agent, the appropriated funds in quarterly installments, conditioned upon satisfactory performance of the services described herein.
- (e) Any employees assigned by the participating localities to staff the program shall report to the Director of Tourism.
- (f) A program of work shall guide the activities of the program and its staff, and shall be reviewed and approved annually by the operating board, with final approval by the governing bodies.
- (g) Work performed shall be in partnership with other organizations as may be mutually beneficial.
- (h) Any annual budget shall be subject to appropriation by the respective governing bodies.

Section 4. The Montgomery Tourism Development Council (MTDC)

- (a) As part of this Agreement, and within three months of its adoption, there shall be created an advisory council which shall provide guidance to the operating board and tourism staff in the development and implementation of an ongoing tourism program. This advisory council shall be known as the Montgomery Tourism Development Council ("MTDC"). The MTDC shall be advisory in nature, and shall assist with the elements and components required to maintain the tourism program, such as an accredited tourism community, a current tourism marketing plan, community profile, and other related requirements.
- (b) The MTDC shall consist of nine members who shall be residents of the county, or who are employed or operate businesses in the hospitality industry in one of the localities. One member shall be a member of the Board of Supervisors appointed by that body; one member shall be a member of Blacksburg Town Council, appointed by that body; one

member shall be a member of Christiansburg Town Council, appointed by that body; one member shall be appointed by the Montgomery Chamber of Commerce; and the five remaining members shall be appointed by both the county board of supervisors and the two town councils. These appointees shall be owners, operators, or employees from local hotels, restaurants, and attractions.

A representative from Virginia Tech will also be included as an ex-officio, non-voting member of the MTDC. This representative will be designated by Virginia Tech, and will preferably be a representative from the university relations office or the tourism/hospitality department.

(c) The members of the MTDC shall serve terms of office of two years, except the initial term for the board of supervisors' appointee and for three of the committee appointees shall be for one year to ensure that all terms do not expire at the same time. The board of supervisors and the two town councils shall have the unqualified right to remove any appointee and to appoint a replacement if in the appointing authority's opinion such member has failed to attend meetings or otherwise has neglected the member's duties. Vacancies occasioned by the inability of a member to act or by a member ceasing to meet eligibility requirements shall be filled by the appointing authority. Appointments to fill vacancies shall be only for the unexpired portion of the term.

(d) The director of tourism shall serve as the staff for the MTDC. The MTDC shall adopt bylaws, including provisions for regular meetings.

Section 5. Ownership of property and insurance

(a) The County and the Towns shall provide such office space as is required for the joint tourism program.

(b) The County as fiscal agent shall hold title to all tangible personal property used by the joint tourism program, subject to the towns' rights upon termination as hereinafter described.

(c) The County shall procure insurance policies covering any real estate and tangible personal property used in the joint tourism program and shall provide premises liability, and general liability coverage insuring the jurisdictions in respect to the operations and properties of the program. The costs of all such insurance shall be considered an operating expense of the program to be shared in the same proportion as other expenses as outlined above.

Section 6. Duration of Agreement

This Agreement shall become effective immediately upon approval and adoption of ordinance authorizing this Agreement by the County's Board of Supervisors and the Councils of each Towns, and it shall effective for a minimum of three years from the date of the last jurisdiction signing. At the conclusion of the initial three year period, this Agreement shall automatically renew for two (2) additional successive three year periods until action is taken by any of the parties to terminate the Agreement.

Section 7. Termination of Agreement

Once the initial three year period of this Agreement has passed, the Agreement may be terminated upon written notice of any one or all of the participating local governments. Written notice of intent to withdraw must be given at least 12 months prior to the date that the jurisdiction wishes to withdraw from participation, unless any governing body of the localities fails to appropriate funding for further participation. If any governing body fails to appropriate funding to continue the Agreement, the remaining jurisdictions will utilize their best efforts to continue the program.

Section 8. Disposition of properties and funds under termination

In the event of termination of this Agreement, and absent the creation of a revised or replacement agreement, the following guidelines shall apply:

(a) The parties shall use their best efforts to ensure the ongoing operation of a tourism program at the termination of this Agreement.

(b) Upon termination of this Agreement, after the payment of all outstanding debts and costs, all remaining personal property shall be divided among the participating entities in the proportion in which it was paid for originally.

DATED this 4 day of April, 2011.

MONTGOMERY COUNTY, VIRGINIA
By: Craig Meadows
Craig Meadows, County Administrator

TOWN OF BLACKSBURG, VIRGINIA
By: Marc A. Verniel
Marc A. Verniel, Town Manager

TOWN OF CHRISTIANSBURG, VIRGINIA
By: Barry Helms
Barry Helms, Acting Town Manager

MONTGOMERY COUNTY, VIRGINIA
By: James D. Politis
James D. Politis, Chair

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**R-FY-11-70
AMEND FY 2012 BUDGET CALENDAR TO
CHANGE BUDGET WORK SESSION DATE
FROM JANUARY 24 TO FEBRUARY 7, 2011**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby amends their Budget Calendar for FY 2012 by changing the date of the January 24 budget work session to **Monday, February 7, 2011 at 5:30 p.m.**

Said resolution amends the 2012 Budget Calendar.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
John A. Muffo	None	Annette S. Perkins
Gary D. Creed		
William H. Brown		
Mary W. Biggs		
Doug Marrs		
John A. Muffo		
James D. Politis		

**R-FY-11-71
RESOLUTION OF APPRECIATION
DR. JODY H. HERSHEY
DIRECTOR OF NEW RIVER HEALTH DISTRICT**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Counties of Floyd, Giles, Montgomery and Pulaski, and the City of Radford make up the New River Health District of the Virginia Department of Health; and

WHEREAS, The New River Health District provides services in local health department clinics and other sites within the community to promote health, prevent disease, and protect the environment; and

WHEREAS, Dr. Jody H. Hershey, MPH served as the Director of the New River Health District for fifteen years; and

WHEREAS, Dr. Hershey's years of service have been marked by exemplary dedication to the health and well being of the citizens and has earned the admiration and high regard of the citizens of the New River Valley and of his fellow public servants; and

WHEREAS, Dr. Hershey has demonstrated strong leadership and commitment in addressing public health issues and protecting the health of our citizens; and

WHEREAS, Dr. Hershey helped lead the fight against emerging infectious diseases and outbreaks such as meningitis, MRSA, West Nile virus and H1N1 and against chronic diseases such as cancer and diabetes and preventable illness; and

WHEREAS, Dr. Hershey served as President of the National Association of County and City Health Officials (NACCHO) and worked with numerous agencies on many important local, regional, state and national public health issues; and

WHEREAS, Dr. Jody H. Hershey has announced his retirement as Director of the New River Health District.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the Board of Supervisors, on behalf of the entire citizenship, hereby extends a unanimous vote of appreciation and gratitude to **Dr. Jody H. Hershey** for his professional accomplishments and outstanding public service and dedication, with best wishes for continued success in all his future endeavors.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Dr. Jody H. Hershey** as a testimonial of the high esteem and appreciation in which he is regarded by the Board of Supervisors and that a copy be a part of the official minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
Gary D. Creed	None	Annette S. Perkins
William H. Brown		
Mary W. Biggs		
Doug Marrs		
John A. Muffo		
James D. Politis		

RECESS

The Board took a ten minute recess and reconvened at 9:10 p.m.

INTO WORK SESSION

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Old Elliston Fire Department Building.
2. Old Blacksburg Middle School site update.

The vote on the foregoing motion was as follows:

AYE

Annette S. Perkins

William H. Brown

Mary W. Biggs

Doug Marrs

John A. Muffo

Gary D. Creed

James D. Politis

NAY

None

Old Elliston Fire Department Building

The County Administrator reported that the County received a request from Mountain Valley Charitable Foundation (MVCF) to lease the old Elliston Fire Station from Montgomery County and renovate the building into a thrift store to be operated by the YMCA at Virginia Tech for the benefit of the citizens of eastern Montgomery County.

Steve Sandy, Planning Director, provided the following background information:

- Located on 0.105 acres across Big Spring Dr. from Elliston Post Office
- Originally built in 1958 (52 Years old) and unoccupied for last five years
- A 2010 survey revealed that portions of the bldg are located in the VDOT right of way
- Property zoned Agriculture A-1
- Designated as mixed use in village plan

The County Administrator provided information on MVCF's proposal as follows:

- MVCF has entered into a contract with a neighboring landowner to purchase sufficient property for parking.
- MVCF will donate the adjacent land to Montgomery County for the required parking and fund the necessary upgrades to bring the building up to code as a retail establishment.
- MVCF will partner with the YMCA at Virginia Tech to operate a thrift shop in the building.
- MVCF will coordinate exterior landscaping and grounds maintenance.
- MVCF will enter into a lease contract similar in nature to the contract that exists between MVCF and Montgomery County for The Meadowbrook Center.

The proposed use for the property will require the County to:

- Rezone the property from A-1 to General Business (GB);
- Gain Control of additional land behind the fire station for required parking area;
- Acquire right of way from VDOT to get entire building on property

Options for Consideration include:

1. County retains ownership of property "as is"
2. Accept Mountain Valley Charitable Foundation's Proposal;
3. Offer MVCF a counterproposal to convey the property to the Foundation at a minimal or no cost to them.

Staff Recommendations:

1. Rezone Property to allow business /commercial use
2. Select Option 3 – offer counterproposal to convey property to MVCF. If the County retains ownership of the property, the County will be liable for utilities, maintenance, grounds keeping, insurance, etc., for the improved facility. Option 3 would allow the Foundation the benefit of the Property for its proposed use, and would not require the County to be responsible as a landlord.

Supervisor Biggs asked if ample parking was available and if additional parking was considered. She reported that several residents have expressed concerns that customers at the Thrift Store will park at the Post Office.

Michael Hemphill with MVCF stated that additional parking will be required and they have spoken with the adjacent property owner about purchasing a portion of their property for parking. They have entered into a sales contract contingent upon the County's approval for MVCF leasing the old Elliston Fire Station.

Supervisor Creed commented that he prefers that the property be sold versus leasing the property. He believes that the proposal for a retail business will be beneficial to eastern Montgomery County.

Other Board members agreed that it is the Board of Supervisors' priority to sell vacant county facilities. They agreed that the renovation of the old fire station for a thrift store is a good use of an existing building.

Mr. Hemphill acknowledged the fact that purchasing the facility would be a better option; however, MVCF is operating on limit funds. He feels confident that MVCF can raise the funds needed for the renovation. Mr. Hemphill stated he will take the Board of Supervisors comments about purchasing the facility back to the MVCF Board of Directors. He asked that the Board of Supervisors proceed with the rezoning process on the property. In the meantime, the Board of Supervisors and the MVCF Board of Directors can work out the details.

The Board by consensus, agreed to move forward with the rezoning process on this site. The site will need to be rezoned from Agriculture (A-1) to General Business (GB) in order to operate a retail business.

Old Blacksburg Middle School

Brian Hamilton, Economic Development Director, provided an update on the old Blacksburg Middle School project as follows:

- The site is currently zoned R-4.
- Demolishing building and rezoning property for "Mixed Use" development has been recommended to yield the greatest return to County taxpayers.
- Steps to remove building are underway.
- Phase 1 Environmental Site Assessment is complete;
- Alta Survey of Property is complete;
- Asbestos Report Updated;
- Asbestos Removal Bid has been awarded
- Asbestos removal to be complete by February 28
- February 2011 – Bid Building Demolition
- March 2011 – Obtain Funding and Award Building Demolition Contract
- May 2011 – Complete Building Demolition

Next steps include:

- Submit application for rezoning of property to Town of Blacksburg (90 – 120 day process)
- Market Property for sale/development

Supervisor Brown stated there seems to be interest from the Blacksburg Alumni in purchasing bricks from the OBMS. Mr. Hamilton replied as part of the demolition contract, the Contractor is to clean several pallets of brick. The bricks will be given to the Blacksburg High School to sell.

The Board thanked Mr. Hamilton for the update.

OUT OF WORK SESSION

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
James D. Politis	

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following:

- New River Valley Network Wireless Authority - Montgomery County has been invited to join the New River Valley Network Wireless Authority (NRVNW). The Authority was created to help install broadband through-out the New River Valley. NRVNW received a grant from Citizens Telephone to help with this endeavor. It will cost approximately \$612,000 to join the Authority. After researching, it was determined that it would not benefit Montgomery County to join.
- Warm Hearth Transit Service Pilot Grant – The Blacksburg Transit received a \$20,000 matching grant for the pilot bus service to Warm Hearth. This service will be in place for one year to determine if the ridership warrants a permanent bus route.
- Historic Smithfield – Request to Designate a portion of Rt. 460 “William Preston Memorial Highway” - The County received a request from the Historic Smithfield requesting a portion of Rt. 460 be designated the “William Preston Memorial Highway”. The proposed section would be from the Giles/Montgomery County line to Southgate Drive. If the Board of Supervisors supports this request a resolution requesting the Commonwealth Transportation Board to designate a portion of Rt. 460 the “William Preston Memorial Highway” will be on the Board’s next agenda.

BOARD MEMBERS' REPORTS

Supervisor Brown announced that the Public Safety Monument Group is selling t-shirts as a fundraiser to help cover the cost of purchasing a monument to honor the fallen men and women in the public safety field. This monument will be placed in the square in front of the existing Courthouse that will be renovated for a public safety building.

Supervisor Marrs attended the Western Virginia Regional Jail Authority meeting. The WVRJ is expecting more state budget cuts. If the budget cuts are approved then the costs will be handed down to the member localities.

Supervisor Biggs attended the School Board meeting discussion included the FY 11-12 School Budget, PPEA proposals, and RFP procedures. She also attended the Library Board meeting. The Library Board discussed potential state budget cuts and ceiling issues at the Christiansburg Library.

Wind Turbines – Supervisor Biggs commented that two counties are looking at wind power turbines. She asked if Montgomery County had an ordinance regarding wind turbines or windmills.

Steve Sandy, Planning Director, stated that the County has an ordinance regarding windmills. A windmill over 18 feet tall requires a special use permit. He stated that Roanoke County has a request before them for wind turbines on Poor Mountain. James Madison University has completed a study on where the best locations for wind turbines in Virginia are. In this region Poor Mountain was determined to be the best location. He stated that most turbines are 80ft or higher. The larger wind turbine farms consist of towers 400 ft in height and require hundreds of acres.

Supervisor Politis stated that he has been seeking support for industrial hemp to be grown in the United States. He has contacted numerous state legislators to try to get legislation passed. He reported that he was at a store in Roanoke over the weekend that sold hemp clothing. Congressman Goodlatte who happens to be the Chair of the Virginia Agriculture Board was in the store at the same time. Supervisor Politis stated they had a discussion regarding industrial hemp and Congressman Goodlatte asked him to forward additional information for his review.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, February 7, 2011 at 5:30 p.m. for a special budget work session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
William H. Brown	
Annette S. Perkins	
Gary D. Creed	
James D. Politis	

The meeting adjourned at 10:20 p.m.

APPROVED: _____	ATTEST: _____
James D. Politis	F. Craig Meadows
Chair, Board of Supervisors	County Administrator